

One Southerner's

Ala. Attorney General Doggedly Probing

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MONTGOMERY, Ala.

It was more than 12 years ago that a bomb ripped through the 16th Street Baptist Church in Birmingham and killed four black girls in Sunday school. To this day, no one has been indicted.

Bill Baxley is trying to change that. At 34, he has been Alabama's attorney general for six years. He is the son of a southeastern Alabama Circuit Court judge and a graduate of the University of Alabama law school. He is a strong Democratic contender to succeed George C. Wallace as governor in 1978.

"I want to solve" the Birmingham bombing, Baxley said in an interview here recently, "and I think it's shocking that anyone would wonder why. It's unsolved; it ought to be solved, no matter when."

Baxley, acquaintances say, is a prosecutor who feels moral outrage and thinks crimes should be prosecuted, no matter what the circumstances or political implications.

"He is an extraordinarily good attorney in the courtroom," said Robert S. Vance, state Democratic Party chairman and a Birmingham attorney. "He has the gift—the prosecutor's instinct and flair. And if there's a tough one, he goes into court himself. It's his neck on the line, not that of some assistant."

"He's taken the steel industry and the mining companies head-on on environmental issues," said Vance. "Industry expects government officials to be nice to them, and Baxley hasn't always been nice. It may hurt him if he runs for governor and doesn't have that support."

"He's got a hair-trigger temper," said another, more nearly neutral, state political observer. "He occasionally says things that are a little erratic; he doesn't always give the impression of one coolly in control. But Baxley is truly a man of earnest conviction—he still has a sense of outrage in this cynical age."

The bombing of the Birmingham church on Sept. 15, 1963, was one of the great outrages of the civil rights era. Baxley was in law school at the time.

"I don't need any extra motivation to work on that case," he said. "From the time it happened, I've longed for the day when we could do something about it."

The day after he took office, Baxley said, he was given a card listing the state's toll-free long-distance telephone numbers. On it, he carefully wrote between the lines the names of the bombing victims: Denise McNair, 11; Carol Robertson, 14; Cynthia Wesley, 14; and Addie Mae Collins, 10. "Any time I see that card, I see those names," Baxley said.

He reopened in 1971 a long dormant investigation of the bombings. His chief investigator, Jack Shows, and four others began building leads and seeking sources in a search that took them to at least two other Southern states and into the

Determination

Fatal '63 Church Incident

mysteries of the Ku Klux Klan.

"Klan-related groups and a few other little nut groups were behind all the racial violence in the South back in those days," Baxley said. "There was no central planning, like in a Pentagon-type war room. We just had really an autonomous collection of despots and bigots, most of whom were pretty sorry and on the fringe of the law anyway. The shame of it was that good people didn't speak up to stop the atrocities that these goons and thugs were going around doing."

Baxley claims to know who bombed the Birmingham church, and says it was Klan-related. He will not discuss suspects.

In January, as the investigation began to warm up, several people were subpoenaed and interrogated, and news of Baxley's long-secret probe leaked in the Birmingham newspapers.

"We were making much more progress before it got out," Baxley said, "and I wish there was some way if (the leak) had never happened." The advantage of surprise was gone, he said.

Baxley is a bachelor and his office reflects a bachelor's clutter. There are only two free chairs; a divan and several other chairs are piled with legal documents, correspondence and other paper. The portraits of five Presidents—Abraham Lincoln, Franklin D. Roosevelt, Harry S. Truman, John F. Kennedy and Lyndon B. Johnson—are arranged on one wall. "Men I admire," he said.

If he had to make the decision today, "I would say I'd probably make a run" for governor, he said. "But whatever happens, I'm going to get out of politics by the time I'm 40. I can't think of anything worse than waking up one morning when I'm 63 or 64 years old and find that some young guy has beat me and I've got no place to go. I don't think it's going to be the end if I get beat."

He wasn't six months out of law school before he won election as a district prosecutor in southeastern Alabama and he built a record there that carried him to the statewide office in 1970. He was re-elected in 1974 without official opposition.

Since becoming attorney general, he has obtained the convictions or resignations of five Alabama county sheriffs after charging them with accepting bribes or with misuses of office. The treasurer of Jefferson County (Birmingham) was convicted of accepting bribes. The president of the state Public Service Com-

mission was convicted on a bribery charge. Three Circuit Court clerks were convicted of various offenses.

Gov. Wallace, according to Baxley and several others familiar with Alabama government, has not interfered in Baxley's pursuits.

One of those pursuits has been the investigation of a 19-year-old case—the death of Willie Edwards Jr., a black truck driver. Baxley charges that on the night of Jan. 23, 1957, Edwards was forced at gunpoint by some Klansmen to jump 40 feet from a highway bridge to the Alabama River below.

Edwards' body was found three months later along the riverbank in Montgomery. Now, Baxley is seeking first-degree murder indictments of three men he says took part in that incident. His case is based in part on the testimony of former Klansman Raymond Britt, who says he was a witness and who has been granted immunity.

In March, murder indictments were returned against William (Sonny) Kyle Livingston Jr., 38, James York, 73, and Henry Alexander, 46.

But the indictments were thrown out April 14 by Circuit Court Judge Frank B. Embry because, he said, Baxley had not demonstrated whether Edwards died from drowning or from a fall and had not proven that a crime had been committed.

That same day, Livingston was taking a polygraph examination in New York. The results, Baxley and defense attorney Boyle Fuller had agreed, would be admitted as evidence in further proceedings. Livingston "passed all the tests," Fuller said. Livingston calls witness Britt "a liar."

Embry, later, refused to reinstate the indictments.



BILL BAXLEY

"ought to be solved"

however, prosecutors plan to seek new ones against all three men.

"This is no problem," said Baxley. "It means a two- or three-month delay after 19 years."

Baxley is convinced that his pursuit of old civil rights cases has not hurt him with Alabama's policemen and state troopers, whom he regards as a source of political strength.

Policemen feel that "when they make an arrest, Baxley will prosecute," said Tom Smiley, secretary of the Alabama Law Enforcement Officers Association. The association honored Baxley as its "outstanding lawman" of 1973.

Baxley favors the death penalty, a shift from his college days. The conversion came during the short period of time he was in private practice. He was appointed to defend a man charged with the armed robbery of a convenience store, an offense then punishable by death in Alabama.

"I talked to my client, and he told me one thing, then another," Baxley said. "I was young, and after three or four wild goose chases I realized he was lying to me. So I told him he could get the electric chair and suddenly, we had our first meaningful conversation."

"I became convinced the

death penalty was a deterrent. The reason he didn't shoot that store clerk was not because of his compassion for human life, it was because he was afraid of the electric chair."

The Supreme Court, Baxley said, "was right" when it said the death penalty had been used indiscriminately against blacks. "But all other laws were too," he said, "and that doesn't mean we throw out the other laws."

The death penalty is one of the few philosophical questions on which Baxley and Dr. Richard Arrington disagree. Arrington said, "Arrington is one of three blacks on Birmingham's nine-member City Council."

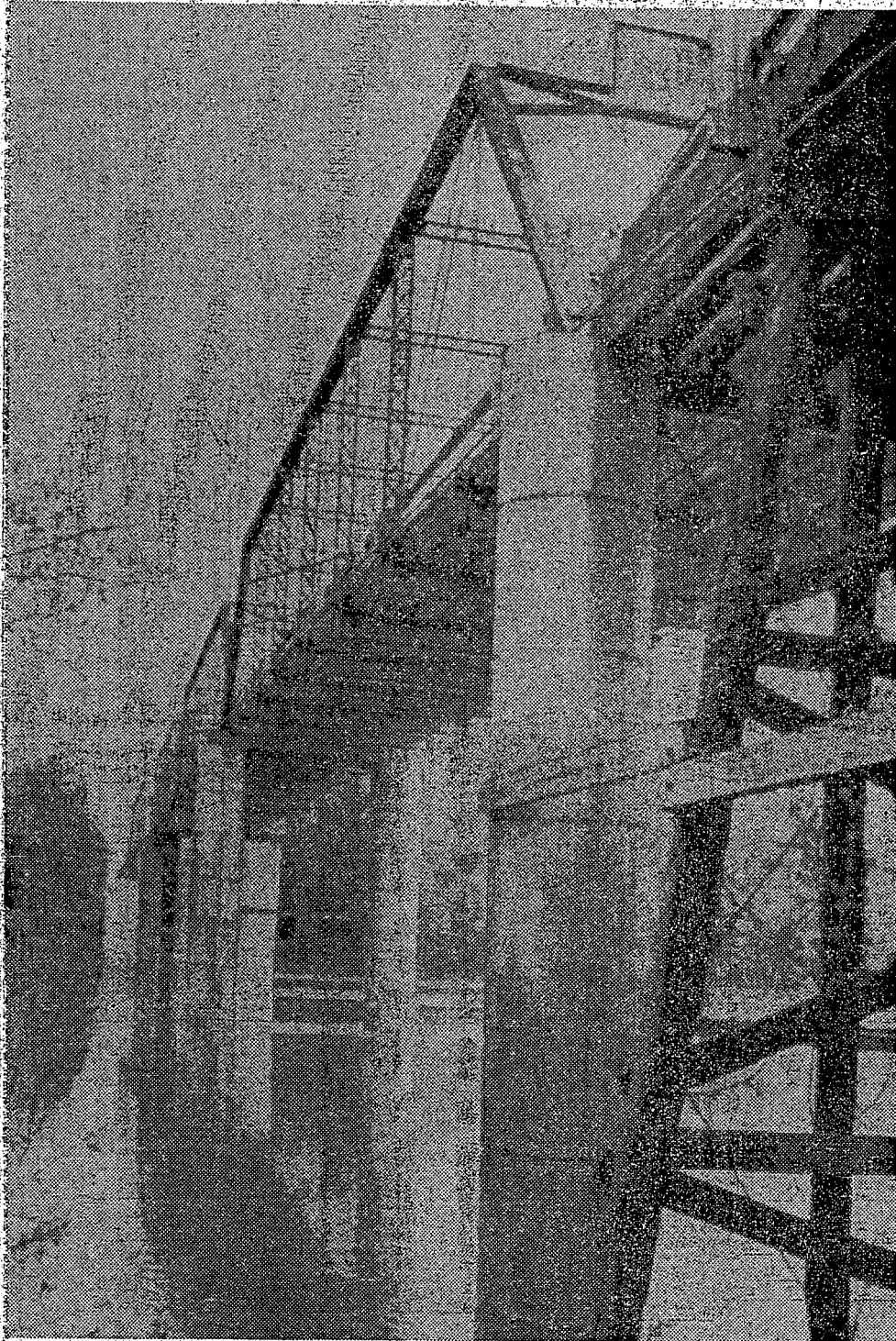
In January, Arrington introduced a resolution calling for a full-scale council investigation of the church bombing in 1963. He was the only black member to vote for the resolution, which failed 7 to 2.

"The city government has always been suspiciously quiet on this," Arrington said, "... and it was obvious (at the time of the bombings) that either we had the sorriest police department or there was some police collusion. The fact that Bill Baxley is conducting an investigation means a lot to me. If a case can still be made, he'll make it."



Associated Press

Rubble-filled crater in church where four black girls died during '63 bombing.



Associated Press

Tyler Goodwin Bridge, from which Willie Edwards Jr. allegedly was forced to jump.